C.Review 45 of 2007

20.11.2007 Present: Mr. K.S.Banyal, counsel for the petitioner.

Mr. R.M.Bisht, DAG, for respondents No. 1 & 2.

Ms. Suman Thakur, counsel for respondent No. 3.

CMP(M) No. 614 of 2007

For the reasons stated in the application, the same is allowed. The application stands disposed of.

C.Review 45 of 2007

Heard learned counsel for the parties. The H.P. State Small Industries & Export Corporation Ltd. (hereinafter referred to as the review petitioner) has filed the present review petition for recalling the order dated 25.6.2007 passed by this Bench in CWP No. 778 of 2007. It is not necessary to give the entire facts of the case. However, it would be appropriate to extract the operative part of the order which reads as follows:-

> "Keeping in view the above discussion we are of the view that the respondents have completely ignored the previous orders passed by this court and respondent No. 2 has also interpolated the records in a manner which is not fair and proper. We, therefore, set aside the action of the respondents in canceling the proposals sent by the Block Education Officer in favour of the petitioner society and changing in the name of the Export Corporation and that too at a higher rate in one of the cases. However, as far as the relief to be granted is concerned, it is not clear who has made the supplies, if any, in the case. In case the supplies have been made by the petitioner society, then the respondents shall make payment of all the supplies so made to the petitioner. In case supplies have already been made by the Export Corporation the respondents shall be entitled

to make the payment to the Export Corporation, but at a rate not higher than the rate tendered by the petitioner. In case the supplies have not been made till date, then the order shall be placed on the petitioner society only and payments shall be made to it after receipt of the supplies. As far as the future supplies are concerned, we direct that the respondents shall not give any benefit to the Export Corporation and shall treat the Export Corporation and individual suppliers like the petitioner society on an equal footing. "

A perusal of the operative portion of the judgment passed by us clearly shows that we had passed an order against the petitioner-Corporation. The grievance of the petitioner-Corporation is that they were not impleaded as party in the writ petition and they have been condemned unheard. This is apparent from the portion of the order, quoted above. We, therefore, on this short point, recall the order dated 25th June, 2007. The review petition is, therefore, allowed. The writ petition shall be re-heard.

(Deepak Gupta), J.

November 20, 2007(K) (V. K. Ahuja), J.